

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JANA SZARKA, Individually and on Behalf	)	
of All Others Similarly Situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:21-cv-845
	)	
BDH CUSTARD, INC., MILAZZO	)	
ENTERPRISES, LLC, BOBBY MAIER	)	
and ANTHONY MILAZZO,	)	
	)	
Defendants.	)	

**DEFENDANTS' INITIAL DISCLOSURES PURSUANT TO RULE 26(a)(1)**

NOW COME Defendants, BDH CUSTARD, INC., MILAZZO ENTERPRISES, LLC, BOBBY MAIER, and ANTHONY MILAZZO, by and through their attorneys, DOHERTY & PROGAR LLC, and for their initial disclosures, pursuant to Federal Rules of Civil Procedure Rule 26 (a) (1), states as follows:

1. The name and, if known, the address and telephone number of each individual likely to have discoverable information - along with the subjects of that information - that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

**ANSWER:** Jana Szarka  
1205 Ontario Street  
Ottawa, IL 61350

It is anticipated that Plaintiff, Jana Szarka, will testify regarding liability issues, damages, her employment at BDH Custard, Inc. d/b/a Culver's of Ottawa, the payment of overtime by her employment and her employers's bonus program; it is also anticipated that she will testify to any other issues or matters raised in discovery and the pleadings of this matter, any issue or subject matter identified in any deposition taken in this matter, including any issue or subject matter identified or testified to by any Defendant, Plaintiff, and any other witnesses; Defendants reserve the right to supplement this response.

Anthony Milazzo  
400 East Summit Avenue  
Wales, WI 53183

It is anticipated that Defendant, Anthony Milazzo, will testify regarding liability issues, damages, the plaintiff's employment at BDH Custard, Inc. d/b/a Culver's of Ottawa, the payment of overtime by BDH Custard, Inc. d/b/a Culver's of Ottawa to its employees, and the bonus program of BDH Custard, Inc. d/b/a Culver's of Ottawa; it is also anticipated that he will testify to any other issues or matters raised in discovery and the pleadings of this matter, any issue or subject matter identified in any deposition taken in this matter, including any issue or subject matter identified or testified to by any Defendant, Plaintiff, and any other witnesses; Defendants reserve the right to supplement this response.

Bobby Maier  
BDH Custard, Inc. D/b/a Culver's of Ottawa  
3001 Fairfield Lane  
Ottawa, IL 61350

It is anticipated that Defendant, Bobby Maier, will testify regarding liability issues, damages, the plaintiff's employment at BDH Custard, Inc. d/b/a Culver's of Ottawa, the payment of overtime by BDH Custard, Inc. d/b/a Culver's of Ottawa to its employees, and the bonus program of BDH Custard, Inc. d/b/a Culver's of Ottawa; it is also anticipated that he will testify to any other issues or matters raised in discovery and the pleadings of this matter, any issue or subject matter identified in any deposition taken in this matter, including any issue or subject matter identified or testified to by any Defendant, Plaintiff, and any other witnesses; Defendants reserve the right to supplement this response.

Chris Searles  
Milazzo Enterprises, LLC d/b/a Culver's of Grayslake  
1239 North Illinois State Route 83  
Grayslake, IL 60030

It is anticipated that Chris Searle will testify regarding liability issues, damages, the payment of overtime by Milazzo Enterprises, LLC d/b/a Culver's of Grayslake to its employees, and the bonus program of Milazzo Enterprises, LLC d/b/a Culver's of Grayslake; it is also anticipated that he will testify to any other issues or matters raised in discovery and the pleadings of this matter, any issue or subject matter identified in any deposition taken in this matter, including any issue or subject matter identified or testified to by any Defendant, Plaintiff, and any other witnesses; Defendants reserve the right to supplement this response.

Scott Hess  
Kyle Worcester  
CliftonLarsonAllen LLP  
1 Main Street, Suite 202  
Racine, WI 53403

It is anticipated that Scott Hess and Kyle Worcester will testify regarding liability issues, damages, the payment of overtime by BDH Custard, Inc. d/b/a Culver's of Ottawa and Milazzo Enterprises, LLC d/b/a Culver's of Grayslake to its employees, and maintenance of payroll records for BDH Custard, Inc. d/b/a Culver's of Ottawa and Milazzo Enterprises, LLC d/b/a Culver's of Grayslake; Defendants reserve the right to supplement this response.

Individuals listed in the Initial Disclosure Statements by Plaintiff; Plaintiff is aware of the contact information and knowledge of the persons identified in their disclosures.

Any and all witnesses named by Plaintiff in any context during this litigation; Plaintiff should have the contact information and know the subjects of the information associated with such witnesses.

As other individuals, including opt-in plaintiffs, having knowledge of the relevant acts, opinions, liability issues and damages involved become known to Defendants, Defendants will timely supplement these Disclosures or otherwise identify such individuals in the course of discovery.

2. A copy - or a description by category and location - of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

**ANSWER:** The payroll records of BDH Custard, Inc. d/b/a Culver's of Ottawa are maintained by CliftonLarsonAllen LLP, 1 Main Street, Suite 202, Racine, WI 53403.

The earnings statements of Plaintiff, Jana Szarka, from 2018 to 2021, Defendants Team Member Handbook, and the general manager's note regarding termination of Plaintiff, Jana Szarka, are provided to Plaintiff pursuant to Rule 34.

Defendants will continue searching for any relevant documents throughout the litigation and, should any be discovered or become known, will supplement these disclosures as necessary.

3. A computation of each category of damages claimed by the disclosing party - who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of the injuries suffered.

**ANSWER:** Not applicable to Defendants, BDH Custard, Inc., Milazzo Enterprises, LLC, Bobby Maier and Anthony Milazzo.

4. For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

**ANSWER:** Defendants, BDH Custard, Inc. and Milazzo Enterprises, LLC, maintained insurance coverage and possess an insurance agreement during the relevant period alleged in Plaintiff's First Amended and Substituted Complaint, which will be made available for inspection and copying under Rule 34.

Respectfully submitted,

BDH CUSTARD, INC., MILAZZO  
ENTERPRISES, LLC, BOBBY  
MAIER, and ANTHONY  
MILAZZO, Defendants

By: /s/ Joseph Pierotti, Esq.  
Joseph Pierotti, Esq.

Michael R. Luchsinger (ARDC No.: 6311505)  
Joseph Pierotti (ARDC No.: 6225847)  
DOHERTY & PROGAR LLC  
200 West Adams Street, Suite 2220  
Chicago, Illinois 60606  
(312) 630-9630 (Office)  
(312) 630-9001 (Fax)  
E-Mail: *mrl@doherty-progar.com*  
E-Mail: *jp@doherty-progar.com*  
Service via e-mail accepted at: *mail@doherty-progar.com*

**CERTIFICATE OF SERVICE**

I, Joseph Pierotti, certify that on **June 14, 2021**, a true and correct copy of the foregoing was served and filed using the Court's ECF system, through which this document is available for viewing and downloading, causing a notice of electronic filing to be served upon all counsel of record.

/s/ Joseph Pierotti, Esq.

Joseph Pierotti, Esq.

Michael R. Luchsinger (ARDC No.: 6311505)  
Joseph Pierotti (ARDC No.: 6225847)  
DOHERTY & PROGAR LLC  
200 West Adams Street, Suite 2220  
Chicago, Illinois 60606  
(312) 630-9630 (Office)  
(312) 630-9001 (Fax)  
E-Mail: *mrl@doherty-progar.com*  
E-Mail: *jp@doherty-progar.com*  
Service via e-mail accepted at: *mail@doherty-progar.com*